

July 7, 2004 BZA



REQUEST ANALYSIS
AND
RECOMMENDATION

04AN0294

Donna M. and Richard P. Stone

Dale Magisterial District
4101 Dodds Ridge Drive

REQUEST: A Special Exception to permit the keeping of three (3) adult dogs in a Residential (R-12) District.

RECOMMENDATION

Recommend denial of this Special Exception for the following reasons:

- A. Special Exception may adversely affect the health, safety or welfare of persons residing on the premises or in the area.
- B. Special Exception may impair the character of the district.
- C. Use may reduce or impair the value of buildings or property in surrounding areas.

GENERAL INFORMATION

Location:

Property is located at 4101 Dodds Ridge Drive. Tax ID 756-686-0193 (Sheet 11).

Existing Zoning:

R-12

Size:

0.4 acre

Existing Land Use:

Residential

Adjacent Zoning and Land Use:

North - R-12; Residential
South - R-12; Residential
East - R-12; Residential
West - R-12; Residential

Utilities:

Public water and sewer

General Plan:

(Central Area Land Use and Transportation Plan)

Residential
(1.0 to 2.5 units per acre)

DISCUSSION

The applicants request a Special Exception to permit the keeping of three (3) dogs in a Residential (R-12) District.

The applicants provide the following information in support of this request:

We own three (3) dogs ages 8, 3 and 1 year. They are for companionship as well as family members. They have all been trained and one has been trained to do agility and is a registered therapy dog with Therapy Dog International Inc. The youngest is in training at Richmond Dog Training Center and will finish this course as of June. We request that this Special Exception be for as long as the property is owned by the Stones.

Staff notes the Planning Department staff visited the site in response to a complaint. Staff's inspection revealed that the applicants were in violation of the Zoning Ordinance by keeping more than two (2) adult dogs (private kennel) in a Residential (R-12) District. This request is in response to staff's investigation.

Staff believes that this type of request may have an adverse effect on the character of the area and may adversely affect the welfare of the persons residing or working in the area because the noise produced by three (3) dogs may create a nuisance.

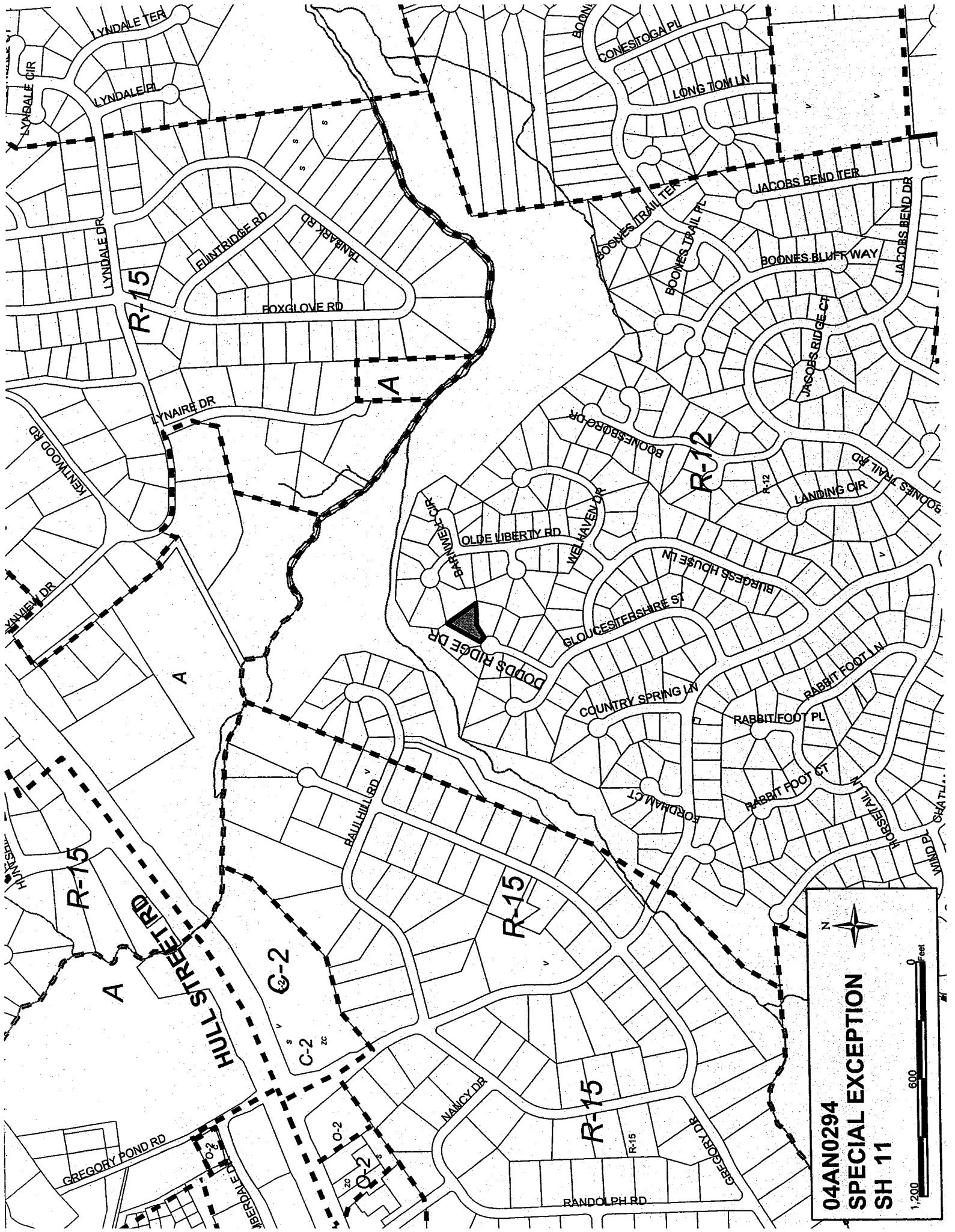
Staff believes that imposing conditions will not mitigate the negative impact that this use may have on this area. Although the yard is adequately maintained and the dogs are confined within a fence in

the rear yard, the number of dogs may be a nuisance to adjacent and area properties. Therefore, staff cannot support this request.

However, if the Board feels that this request has merit, staff recommends that it be subject to the following conditions:

CONDITIONS

1. Special Exception shall be granted to and for Donna M. and Richard P. Stone, exclusively, and shall not be transferable nor run with the land.
2. Special Exception shall be granted for a period not to exceed three (3) years from date of approval and may be renewed upon satisfactory reapplication and demonstration that the keeping of these three (3) dogs has not proved a detriment to the adjacent property or the area in general.
3. All dogs shall be confined to the existing dwelling. Whenever the animals are allowed outside the dwelling, they shall be on a leash or within the fence in the rear yard.
4. Should any one (1) of the dogs be sold, given or pass away, it shall not be replaced.
5. The applicants shall not breed or board dogs on this property.
6. The applicants shall provide a history of each dog, such as age, sex, color and size as well as a photo to the Planning Department within thirty (30) days of approval of the Special Exception.



04AN0294
SPECIAL EXCEPTION
SH 11

N

0
600
1,200
Feet

